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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,915	12/14/2001	Jeffrey de Vries	STRM-110	4838
22918	7590	04/05/2006	EXAMINER	
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	
DATE MAILED: 04/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,915	<b>Applicant(s)</b> VRIES ET AL.	
	<b>Examiner</b> John B. Walsh	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,374,402 to Schmeidler et al.

As concerns claim 1, a system for providing a file system overlay on a local computer (abstract, line 3), comprising: a file system hook operatively interposed between a file system manager and a file system driver of said local computer (column 3, lines 1-6), the file system hook configured to detect a file system call corresponding to a target program and to perform one or more procedures (procedures of the program, column 3, lines 1-6); and an agent procedure executing on said local computer to configure the file system hook for executing the target program (column 2, line 56).

As concerns claim 2, the system of claim 1 further including a token file corresponding to said target program, said token file including file system overlay information for said target program (column 3, line 42).

As concerns claim 3, the system of claim 2 wherein said token file further includes information corresponding to one or more registry overlays, and environment variable changes (abstract, line 12, column 3, line 42).

As concerns claim 4, the system of claim 2 wherein said token file includes a unique file extension (file inherently has an extension associated with it, the term "unique" is a relative term and the examiner considers the extension associated with this file to be "unique", column 4, line 3).

As concerns claim 5, the system of claim 1 wherein the target program has associated therewith a unique process identifier generated by the operating system of the local computer (column 4, line 3).

As concerns claim 6, the system of claim 1 wherein said one or more procedures includes accessing data at a server terminal (local computer is the server terminal since it accesses info from the server).

As concerns claim 7, the system of claim 6 wherein said server terminal is operatively coupled to said local computer via a data network (column 2, lines 63-64; abstract).

As concerns claim 8, the system of claim 1 wherein said one or more procedures includes accessing data at a CD-ROM drive (147) operatively coupled to said local computer.

As concerns claim 9, a method of providing a tile system overlay on a local computer (abstract, line 3), comprising the steps of: configuring a file system hook operatively interposed between a file system manager and a file system driver of said local computer (column 3, lines 1-6), to detect a file system call corresponding to a target program, and to perform one or more procedures (procedures of the program, column 3, lines 1-6); and executing an agent procedure on said local computer for configuring said file system hook to execute the target program (column 2, line 56).

Art Unit: 2151

As concerns claim 10, the method of claim 9 further including a token file corresponding to said target program, said token file including file system overlay information for said target program (column 3, line 42).

As concerns claim 11, a computer program product, comprising: a medium readable by a computer, the computer readable medium having computer program code adapted to: configure a file system hook operatively interposed between a file system manager and a file system driver of said local computer (abstract, line 3), to detect a file system call corresponding to a target program, and to perform one or more procedures (procedures of the program, column 3, lines 1-6), and execute an agent procedure on said local computer for configuring said file system hook to execute the target program (column 2, line 56).

As concerns claim 12, the computer program product of claim 11 further including a token file corresponding to said target program, said token file including a file system overlay information for said target program (column 3, line 42).

### ***Response to Arguments***

3. Applicant's arguments filed January 9, 2006 have been fully considered but they are not persuasive. The applicant argues Schmeidler et al. teach the replacement of the original file system driver with a virtual driver VxD. The disclosure of Schmeidler et al. do not disclose replacing the original file system driver. The applicant has not indicated what passages of Schmeidler et al. recite this limitation.

### ***Conclusion***

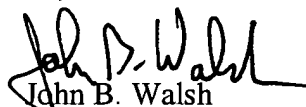
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2151

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151